




Prepared by:

Tony Lacey
Chief Executive Officer

Signature:



Date:

4th May 2023

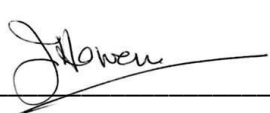
Approved by:

Claire Jackson
Chief Finance Officer



4th May 2023

Jane Owens
Chair of Trustees



4th May 2023

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1. Purpose

1.1. The Policy of Oak Trees MAT is to adopt a comprehensive and workable approach to managing the risk from exposure to Legionella bacteria in all the premises within the MAT. The MAT recognises its duties in law and under its own Statement of Policy on Health & Safety, to safeguard the health and safety of its employees and of others affected by its undertaking. This statement, associated code of practice and task checklist has been drawn up to set out clearly the policies, systems and procedures, which will be implemented to manage the risk from exposure to Legionella. It therefore:

1.1.1. Puts procedures in place to control and minimise these risks.

1.1.2. Ensures work is to higher standards than the minimum required by law, where reasonably practicable.

1.1.3. Provides information, guidance and training for managers responsible for premises and other key managers to ensure they are aware of their role with regard to this policy.

1.1.4. Promotes good system design to reduce the risk of Legionella bacteria multiplying.

1.1.5. Promotes good maintenance procedures to reduce the risk of Legionella bacteria multiplying.

2. Responsibilities and Duties: Duty Holder

2.1. A Duty Holder is a person who has overall responsibility for the schools within the MAT. This is the Chief Executive Officer of the MAT.

2.2. Duty Holders shall implement procedures set out in this plan relating to the management of Legionellosis Risk at the premises within the MAT, including:

2.2.1. The appointment of a Site Responsible Person within each school, which is usually the Headteacher of each school.

2.2.2. Liaison with staff from each school, and the management of contractors operating in their buildings.

2.2.3. Ensure that a risk assessment of hot water services is carried out when altering the operational use of an area or integrating more vulnerable persons with special needs into the working environment to consider any actions that may be necessary to protect all persons who may be at risk from scalding.

- 2.2.4. To ensure all Site Responsible Persons are suitably trained in order to implement the management procedures for water Hygiene.
- 2.2.5. Monitor, or arrange for the monitoring of, water systems as detailed in the Written Scheme produced following a risk assessment.
- 2.2.6. Establish and implement appropriate controls for any maintenance or modification work to be done by contractors, service engineers, volunteers and own staff (e.g., Site maintenance staff) so that they:
 - 2.2.6.1. Develop an agreed safe system of work.
 - 2.2.6.2. Understand the implications of modifying or maintaining the water systems and the characteristics which govern the risk and control of the susceptibility to colonisation by Legionella.
 - 2.2.6.3. Understand the risks of exposure to Legionella bacteria.
 - 2.2.6.4. Know what action to take if a case of Legionnaires disease is found or suspected.
- 2.2.7. Ensure where there is no information known about the water system, that this is drawn to the attention of site staff and those who have to do maintenance work etc. before they commence work.
- 2.2.8. Update the premises' records and schematic diagrams where they have ordered any changes to the water systems in their premises, which can be found in the premises' building safety file.
- 2.2.9. Review the risk assessment as detailed in Appendix 1.

3. Site Responsible Person

- 3.1. The Site Responsible person for each MAT school is the Headteacher of that school. The Site Responsible person shall implement procedures set out in this plan, relating to the management of Legionellosis Risk at their premises, including:
 - 3.1.1. Liaison with staff from the MAT, and the management of contractors operating in their buildings.
 - 3.1.2. Hot water systems are operated at the correct temperatures as identified on the record sheets.
 - 3.1.3. Cold water systems are maintained at or below the correct temperatures as identified on the record sheets.

- 3.1.4. Infrequently used showers & outlets should be identified to avoid stagnation of water in pipe work. Once such outlets have been identified, this information must be passed to the Site Manager who will flush the outlets weekly for at least 3 minutes, as part of their H&S checks and actions.
- 3.1.5. Regularly used shower heads should be cleaned at a minimum of quarterly intervals by a specialist contractor.
- 3.1.6. Avoid contamination of the water systems.
- 3.1.7. Avoid the creation of unnecessary aerosols of water.
- 3.1.8. Inform the Duty Holder of any activity or occurrence which you believe may jeopardise water hygiene.
- 3.1.9. Any water treatment systems fitted are operated and maintained as instructed.
- 3.1.10. Hot and cold-water temperatures are monitored and the temperatures recorded. Any significant deviations from the recommended temperatures should be discussed with the Site Manager and/or specialist contractor who will advise on appropriate actions to be taken.
- 3.1.11. Allow the specialist contractor access to their facility in order to carry out the tasks specified above if they have contracted out their duties.

4. All employees

- 4.1. Every employee has a duty not only for their own health and safety but also a duty to co-operate with the MAT in the implementation and maintenance of its arrangements to satisfy its statutory duties for health and safety. Employees therefore have a responsibility to:
 - 4.1.1. Understand the health risks associated with exposure to Legionella bacteria.
 - 4.1.2. Report any defective equipment or systems.
 - 4.1.3. Use any water system in a safe manner.
 - 4.1.4. Attend training and read briefing documents.

5. Legislation, Approved Code of Practice & Guidance

- 5.1. **Health and Safety at Work Regulations 1999:** These regulations require every employer to make a suitable and sufficient assessment of all risks to the public caused by work activities.

- 5.2. In addition to Legionella, other risks from hot and cold-water distribution systems including deterioration of water quality and scalding at water outlets.
- 5.3. **Control of Substances Hazardous to Health Regulations 2002 (COSHH) as amended:** These regulations apply to the microorganisms, including Legionella and also the use of chemicals deployed to control the growth of organisms in the water supply and related systems.
- 5.4. **The Water Supply (Water Fittings) Regulations 1999:** The water undertaker responsible for water supply has a duty to enforce regulations to prevent waste, undue consumption, misuse and contamination of water supplied in its area. Water Regulations Advisory Scheme (WRAS) provides advice on water fitting regulations and administers the scheme which tests and lists water fitting and material for compliance with the 'Water Supply (water fittings) Regulations 1999'.
- 5.5. **The HSE's Approved Code of Practice and Guidance L8 "Legionnaires" disease:** the control of Legionella bacteria in water systems (referred to hereafter as ACOP L8). This code of practice gives practical guidance with respect to sections 2, 3, 4 and 6 of the 'Health and Safety at Work Act 1974' and regulations 6, 7, 8, 9 and 12 of COSHH.
- 5.6. These arrangements should also be read in conjunction with:
- 5.6.1. The MAT Health & Safety Policy, which identifies the roles and responsibilities of all employees and managers.

6. Annual Review

- 6.1. Monitoring and review of this statement, ongoing assessments and control precautions will be reviewed at intervals as appropriate, and at least annually. Revisions will be made as necessary to reflect organisational, technical or legislative changes.

7. Appendix 1 – Risk Management Code of Practice

7.1. **Design Standards for all** building services systems containing water must comply with the requirements specified in:

7.1.1. The Water Supply (Water Fittings) Regulations 1999, SI 1999 No 1148 and incorporating amendment SI 1999 No 1506.

7.1.2. The Health and Safety Commission Approved Code of Practice and Guidance L8: “Legionnaire’s disease. The control of Legionella bacteria in water systems”.

7.1.3. BS8558:2015 or as amended “Specification for design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages”.

7.2. **Eliminating the risk** must be the first consideration in any design or alteration proposal. If the risk cannot be eliminated and alternative options are available and can be provided, then a thorough assessment must be undertaken to ensure that the appropriate solution is used. Evaporative condensers and water-cooling towers must not be permitted on any of the MAT’s premises. Where these exist, they will be replaced, on a phased basis, with suitable alternatives that eliminate the risk.

7.3. **Reducing the risk and controlling the risk in hot and cold-water services** will be the secondary consideration and must include best practice, in particular the following:

7.3.1. Temperature regime shall be the main method employed, in any new or refurbished system, to control bacteria in water systems.

7.4. Design Considerations

7.4.1. Direct cold mains water systems must be considered in all new designs in preference to providing cold stored water, however, if required for backflow prevention or if the design assessment requires cold-water storage to be available, it must be sized to hold the minimum amount of water possible and no more than 8 hours use, and the temperature must be maintained and distributed at low temperature not exceeding 20° C. It is crucial that the inlet of the cold-water supply and outlet from the cold-water tank are at opposite sides of the tank to ensure that there is no stagnation. All tanks must comply with the Water Supply (Water Fittings) Regulations 1999 and must be easily and readily accessible for both maintenance and monitoring.

7.4.2. All cold-water pipework must be appropriately insulated and isolated from heat sources.

7.4.3. Preference shall be given to using instantaneous direct-fired gas water heaters, or direct-fired gas water heaters with water stored at a minimum of 60°C. All stored hot water in main calorifiers shall be maintained at a minimum temperature of 60°C, which

must be matched to demand. All calorifiers must be fitted with a drain valve, temperature gauge on the inlet and outlet pipework, and an access panel for cleaning dimensioned and located in such a position as to be easily accessible for maintenance.

- 7.4.4. The system design must ensure that the entire contents of the calorifier can achieve a temperature of 60°C for at least one hour before the building users draw off any water at the start of each day and for one hour after the last user has drawn off water at the end of each day. An additional, time controlled, shunt pump must be fitted on all new calorifiers to aid circulation throughout the calorifier. When upgrading or reutilising existing calorifiers, shunt pumps shall only be fitted following an assessment of the internal condition of the calorifier. Where there is any doubt the calorifier should be replaced.
- 7.4.5. For new installations, where possible, a minimum distribution temperature of 55°C should be available at the outlet or any point of use mixer valve within 1 minute of opening the tap. For existing installations and/or where a risk assessment supports a lower temperature, a minimum temperature of 50°C must be achieved within one minute of opening the tap.
- 7.4.6. On circulation systems, the return temperature to the calorifier must be greater than 50°C.
- 7.4.7. Where the water temperature is reduced at the point of use from 55°C, by the use of a thermostatic mixing valve, the pipework length must be kept to a minimum. The leg from the distribution circuit must not exceed 3.0 metres and the leg from the blender must not exceed 2.0 metres.
- 7.4.8. Where hot water is to be provided by electric point of use heaters, a blending valve must be fitted so that the stored water can be maintained at 60°C. If the POU heater is in regular use and less than 10 litres volume, then this may be set at about 43C. However, in exceptional circumstances, where this is not practicable due to insufficient water pressure a thermostatically controlled unit may be considered, the temperature must be set to suit the outlet requirements and a thermal disinfection regime must then be put in place as appropriate.
- 7.4.9. All materials and fittings used in any water system must be low corrosion and in compliance with the Water Supply (Water Fittings) Regulations and WRAS Approved.
- 7.4.10. For cold water services, where possible, lower use outlets must be installed upstream of higher use outlets.
- 7.4.11. Generally, all hot and cold outlet pipes must be of minimum length, and any pipework that is removed must be cut back to the main pipe work runs to ensure no dead legs or blind ends remain.
- 7.4.12. If standby equipment is installed, e.g., pumps, these must operate automatically and at least once a week to avoid stagnation.

- 7.4.13. All new and refurbished hot water systems and any systems that have been out of use without regular flushing on at least a weekly basis must be cleaned and disinfected in accordance with BS 6700:1987, section three clause 13.9 or as amended.
- 7.4.14. Calorifier vent pipes are to be directed into a separate tundish.
- 7.4.15. Spray taps should not be used with a TMV where there is a vulnerable population.
- 7.5. **Competent help, advice and management support** is provided by the appointed specialist contractor.
- 7.6. **A risk assessment** must be carried out by a competent person prior to the occupation of any new premises, or occupation of any extension to an existing premises, where there is a foreseeable risk of exposure to Legionella bacteria. This must include premises where any of the following exist:
 - 7.6.1. Hot water services.
 - 7.6.2. Cold water services.
 - 7.6.3. Shower heads.
 - 7.6.4. Ultrasonic humidifiers/foggers & water misting systems.
 - 7.6.5. Spray humidifiers, air washers & wet scrubbers.
 - 7.6.6. Water softeners.
 - 7.6.7. Emergency showers & eye wash stations.
 - 7.6.8. Lathe & machine tool coolant systems.
 - 7.6.9. Swimming Pools.
 - 7.6.10. Hydrotherapy pools.
 - 7.6.11. Spa baths.
 - 7.6.12. Horticultural misting systems.
 - 7.6.13. Vehicle washing facilities [lance or drive through].
 - 7.6.14. Indoor fountains & water features.
 - 7.6.15. Any water system not listed above which is between a temperature of 20°C to 45°C and where an aerosol may be produced.

- 7.6.16. For new construction, building use changes and/or refurbishment, a risk assessment must be undertaken with the significant findings recorded for inclusion in the Health and Safety File.
- 7.7. **The significant findings** of the risk assessment must be recorded at the premises. If the assessment has shown that there is a reasonably foreseeable risk of exposure to Legionella bacteria, there must be a written scheme in place to control that risk. The written scheme for controlling the exposure must be implemented and properly managed. The scheme must include instructions on the operation of the system and details of the precautions to be taken to control the risk of exposure to Legionella bacteria, including checks and their frequency. The recommended inspection frequencies must be based on the HSE's Approved Code of Practice and Guidance L8: "Legionnaire's disease- The control of Legionella bacteria in water systems". All site monitoring procedures can be found in the Management Procedure for Water Hygiene.
- 7.8. **All records** must be kept at the premises and preferably as an electronic copy. They must be maintained and managed under the control of the Site Responsible Person and retained for a period of at least 5 years following expiry.
- 7.9. **Consultation with employees** must be undertaken at regular team meetings and briefing sessions. All employees must be aware that the two primary objectives of this policy are to avoid:
- 7.9.1. Conditions that allow the proliferation of Legionella; and
- 7.9.2. Avoid the creation of sprays or mists that give rise to respirable water droplets.
- 7.10. **Provide an appropriate level of information and training for those with responsibilities under this procedure.**
- 7.10.1. Where this is impractical, the risk should be controlled so as to minimise the release of water droplets and prevent water conditions that permit the growth of Legionella. It is possible to have very low concentrations of Legionella in many water systems and by careful control prevent them from multiplying.
- 7.10.2. Generally, proliferation of Legionella may be avoided by:
- 7.10.2.1. Keeping water temperatures outside the range 20-45 degrees Celsius.
- 7.10.2.2. Minimising water stagnation.
- 7.10.2.3. Not using materials that provide nutrients for the bacteria or other organisms.
- 7.10.2.4. Keeping systems clean.

7.10.2.5. Ensuring effective water treatment programmes are in place, e.g., Spa Baths.

7.10.2.6. Operating systems safely and keeping them correctly maintained.

7.10.3. This is achieved by:

7.10.3.1. Identifying and ensuring the proper application of maintenance, repair, cleaning and treatment regimes for all water services and ancillary equipment. This is necessary to maintain satisfactory water quality with respect to potential health hazards.

7.10.3.2. Maintaining an up-to-date premises record containing details of a risk assessment, Written Scheme of Control for minimising the risk, and reports of periodic water quality checks and reviews by an independent competent assessor. These records must be kept on the premises and made available to any person within the MAT to inspect them. Such persons would include the competent assessor, inspectors of the Health & Safety Executive, the Duty Holder, and maintenance and repair personnel.

7.11. **Risk assessments must be reviewed** at least every 24 months and when:

7.11.1. Significant changes have been made to a system, e.g., following maintenance or alteration.

7.11.2. Significant changes have occurred in the way a system is being used, e.g., a formerly fully occupied building is now only partially occupied.

7.11.3. Changes to the occupancy of the building e.g., higher risk users.

7.11.4. Changes have been made to the management and/or maintenance of the system, e.g., 6 months after a new maintenance company has been appointed.

7.11.5. The results of checks indicate that control measures are no longer effective.

7.11.6. A case of Legionnaires' disease or Legionellosis is associated with the system.

7.11.7. There is new relevant information about risks or control measures.

7.12. If there is doubt as to what changes should trigger a risk assessment, a programme of annual reviews or audits should be considered.

7.13. **Microbiological Testing**

7.13.1. If it is considered that microbiological testing is required, samples should only be taken by a competent person and analysed by a United Kingdom Accreditation Service (UKAS) approved laboratory. Advice must be sought from Hertel Solutions.

7.13.2. **In the event of an emergency** the responsible person or his deputy must be advised.

7.13.3. In the event of an outbreak the MAT will follow the guidance presented in Appendix 2 of the Health and Safety Commission Approved Code of Practice and Guidance L8: “Legionnaire’s disease - The control of Legionella bacteria in water systems”.

7.13.4. **Medical Advice** is available if exposure to Legionella bacteria has occurred.

7.13.5. The MAT’s employees who may be affected or involved, will be offered an appointment with the MAT’s Occupational Health Service provider. The purpose of this appointment is to:

7.13.5.1. Establish an Occupational Health Record. This must be retained for 40 years, preferably by the MATs OHS.

7.13.5.2. Document the type and level of exposure for each employee exposed. A written summary should be provided for the OHS to attach to the records.

7.13.5.3. Establish a baseline medical record of health.

7.13.5.4. Provide an opportunity for employees to discuss risks and concerns in confidence.

7.13.5.5. Ensure that employees’ general practitioner (GP) services are informed, via the OHS, so that GPs can monitor the individuals concerned.

7.14. Specific Responsibilities of Management and Staff

The specific responsibilities of Management and staff are as follows:

7.14.1. The Chief Executive (The Duty Holder)

The Responsibilities and Duties of the Chief Executive are defined in the MAT’s Health and Safety policy. This includes the ultimate responsibility for the MAT’s Legionellosis Risk Management procedures and ensuring their implementation and full and proper compliance through the Site Responsible Persons. They will also provide guidance and assist staff with management responsibility as detailed above in matters relating to Legionellosis Risk.

7.14.2. The Local Authority Health & Safety Department

The Local Authority Health & Safety Department is responsible to the Chief Executive for the provision of competent advice about Health & Safety, procedures and training, via the MAT’s SLA. Additionally, the department will provide operational support in Health & Safety matters to Site Responsible Persons, Business Managers and Site Managers within the MAT.

7.14.3. The Site Responsible Person

The Site Responsible Person will implement the following plan on all projects under their control in conjunction with the MAT's appointed water treatment specialist:

7.14.4. The MAT's appointed water treatment specialist

The MAT's appointed water treatment specialist will provide advice on compliance with legislation relating to the prevention of Legionnaires disease e.g., Health & Safety Commission Approved Code of Practice and Guidance L8: "Legionnaires Disease - The control of Legionella bacteria in water systems":

- 7.14.4.1. Supervise contracts for the provision of risk assessments to identify the location of any risks that may cause Legionella to develop to unacceptable levels and the production of a premises recording system.
- 7.14.4.2. Provide advice on and interpretation of recommendations made within the specialist's risk assessment.
- 7.14.4.3. Programme remedial works in accordance with reported priority and in conjunction with the Site Responsible Person.
- 7.14.4.4. Update the site records including schematic diagrams and risk assessments etc., where changes to services have occurred as a result of maintenance works, improvements or alterations to the water systems under their direction.
- 7.14.4.5. Administer and monitor all maintenance contracts for water systems (ensuring there are procedures in place for the management of Legionella in the MAT's premises.
- 7.14.4.6. Respond to requests for advice.

7.15. Training

The MAT will ensure that all relevant persons (Head teacher, Business manager, Site Manager etc.) will undertake training in Legionellosis Risk Awareness as part of the Health & Safety training provided by the LA Health, Safety and Resilience team, as part of the MAT's SLA.

7.16. Water Hygiene Consultants (Risk Assessors)

Water Hygiene Consultants will:

- 7.16.1. Ensure that all Legionella risk assessments and risk assessment reviews are carried out in compliance with BS8580 2010: British Standards for Legionella Risk Assessments and the ACoP L8.

- 7.16.2. Ensure that those engaged in the risk assessment process are suitably qualified and competent.
- 7.16.3. Provide a suitable method statement and general risk assessment for the work to ensure the safety of their workforce and MAT employees including members of the public.
- 7.16.4. Prepare a full and detailed water hygiene risk assessment of the hot and cold-water systems at various premises provided to them.
- 7.16.5. Prepare a written scheme of control for minimising the risk from Legionella bacteria and to ensure good water hygiene.
- 7.16.6. Prepare a full and detailed written schematic of the hot and cold-water system at each of the premises risk assessed.
- 7.16.7. Ensure that escalation procedures for recommendations and or immediate remedial actions are initiated by use of a Priority Corrective Action Form (PCAF) issued directly to the Site Responsible Person.
- 7.16.8. Provide both a written and computer-based record of the risk assessment, scheme of control and schematic of the water system.

7.17. Quality Control Table

Quality Control – All changes to these arrangements are recorded in this table.

Date	Amendments	Officer